

PTO/SB/97 (08-00)

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Application Number: 10/635,247

Filing Date: Aug 05, 2003

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1. Certificate of Transmission
2. Fee Transmittal
3. Response to Office Action Dated 12/19/2003 (26 pages)

TOTAL NUMBER OF PAGES TRANSMITTED: 28

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PTO/SB/17 (10-03)

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# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 142.00)

## Complete If Known

Application Number	10/635,247
Filing Date	Aug 05, 2003
First Named Inventor	Diorio
Examiner Name	HA, NGUYEN T
Art Unit	2831
Attorney Docket No.	IJ1-001US

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number 12-0769

Deposit Account Name Lee & Hayes, PLLC

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments

Charge any additional fee(s) or any underpayment of fee(s)

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee			
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
SUBTOTAL (1) (\$)					

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
90	7	11 X 9 = 99	99
Independent Claims	8	1 X 43 = 43	43
Multiple Dependent			

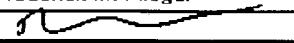
Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 88	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 142.00)		

\*or number previously paid, if greater. For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1264 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 685	Petition to revive - unintentional	
1501 1,330	2501 685	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
6021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$)			

(Complete if applicable)

Name (Print/Type)	Frederick M. Fliegel	Registration No. (Attorney/Agent)	36,138	Telephone (509) 324-9256
Signature				Date 1/16/2004

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Serial No. .... 10/635,247  
Filing Date ..... August 5, 2003  
Inventor ..... C. Diorio et al.  
Group Art Unit ..... 2831  
Examiner ..... Ha, N.  
Attorney's Docket No. .... IJ1-001  
Confirmation No. .... 9432  
Title: Capacity Planning For Server Resources

**RESPONSE TO OFFICE ACTION DATED DECEMBER 19, 2003**

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JAN 16 2004

**OFFICIAL**

**Amendments to the claims begin on page 2 of this paper.**

**New claims begin on page 19 of this paper.**

**Remarks/Arguments begin on page 23 of this paper.**

**Traverse of Restriction begins on page 24 of this paper.**

**A Conclusion is on page 26 of this paper.**